

**Commonwealth of Kentucky  
Natural Resources and Environmental Protection Cabinet  
Department for Environmental Protection  
Division for Air Quality  
803 Schenkel Lane  
Frankfort, Kentucky 40601  
(502) 573-3382**

**AIR QUALITY PERMIT**

**Permittee Name:** North Star Steel Kentucky  
**Mailing Address:** P. O. Box 468, Calvert City, Kentucky 42029

**is authorized to operate a steel rolling mill**

**Source Name:** North Star Steel Kentucky  
**Mailing Address:** Same as above.  
**Source Location:** Sharpe – Calvert City Road, Calvert City, Kentucky 42029

**Permit Type:** Federally-Enforceable Title V  
**Review Type:** Title V (Original), Title V (Revision 2)

**Permit Number:** V-97-038 (Revision 2)  
**Log Number:** E944 (Original), G559 (Revision 1), 54562 (Revision 2)  
**Application**  
**Complete Date:** February 11, 1997 (Original), March 20, 2000 (Revision 1),  
July 17, 2002 (Revision 2)  
**AFS Plant ID #:** 21-157-00029  
**SIC Code:** 3312

**Region:** PADUCAH - CAIRO  
**County:** Marshall

**Issuance Date:** February 27, 1998  
**Revision Date:** July 17, 2002  
**Expiration Date:** February 27, 2003

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**John Lyons, Director  
Division for Air Quality**

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## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application which was determined to be administratively and technically complete on April 4 2002, the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in the Regulation 401 KAR 50:035, Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

This permit contains provisions which require that specific test methods, monitoring or recordkeeping be used as a demonstration of compliance with permit limits. However, these provisions do not shield the source from violations of the applicable requirements being established and documented through other evidence, nor does it relieve the source from its obligation to comply with the underlying emission limits or other applicable requirements being monitored. The preamble to EPA's credible evidence rule specifically states that a permit cannot shield a source from enforcement based on evidence not specified in the permit.

## **SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

### **01 (01) - Billet Reheat Furnace:**

#### **Description:**

An Italimpianti reheat furnace with a maximum processing rate of 100 tons of steel per hour and a maximum natural gas usage rate of 191 mmBTU/hr.

Construction commenced - September 1983.

#### **APPLICABLE REGULATIONS:**

401 KAR 59:010 - New process operations.

#### **1. Operating Limitations:**

Natural gas usage shall not exceed 1400 mm scf per 12 month rolling average - Self imposed to preclude 401 KAR 51:017, Prevention of significant deterioration.

#### **2. Emission Limitations:**

Particulate emissions shall not exceed 30 tons per 12 month rolling average - Self imposed to preclude 401 KAR 51:017, Prevention of significant deterioration.

Nitrogen oxide emissions, expressed as NO<sub>2</sub>, shall not exceed 230 tons per 12 month rolling average - Self imposed to preclude 401 KAR 51:017, Prevention of significant deterioration.

Visible emissions shall not equal or exceed 20% opacity.

The following formulas will be used in calculating the particulate and NO<sub>x</sub> emission rates:

Particulate Emission Rate = [Steel billet usage rate (in tons/month) x Steel particulate  
(tons/month) emission factor (in lbs/ton of steel billet used) + Natural gas usage rate (in mm cu. ft./month) x NG particulate emission factor (in lbs/mm cu. ft. of natural gas used)]/2000

Nitrogen dioxide = [Natural gas usage rate (in mm cu. ft./month) x  
Emission Rate(tons/month) Nitrogen oxide emission factor (in lbs/mm cu. ft. of natural gas used)]/2000

The steel and natural gas particulate emission factors shall be 0.05 lbs/ton of steel billet used and 12 lbs/million cubic feet of natural gas used respectively. The nitrogen oxide emission factor shall be 300 lbs/million cubic feet of natural gas used. This emission factor shall be replaced by the number calculated whenever an emissions test or other modification, approved by the Division, is carried out for either of these pollutants at this emission point. Records of any such changes in the emission factors used shall be maintained at the source.

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**3. Testing Requirements:**

Performance tests shall be performed on emission point 01(01) for PM and NO<sub>x</sub>. All performance tests must be completed as specified by Section G(d), General Conditions 5 and 6. Performance tests shall be performed by the reference methods specified in Regulation 401 KAR 50:015, Section 1. The permittee shall complete and return a Compliance Test Protocol (Form DEP 6027) to the Division's Frankfort Office at least thirty (30) days prior to the date of the required performance tests. The Division shall be notified of the actual test date at least ten (10) days prior to the tests and given the opportunity to attend/observe the performance test.

**4. Specific Monitoring Requirements:**

Compliance with the visible emission limitations shall be achieved through opacity monitoring. Opacity monitoring shall be performed by a certified visible emissions observer at least once per calendar quarter during furnace operations per Method 9. If a certified visible emissions observer is not available, qualitative observations of the visible emissions shall be made, and the existence of any visible emissions shall be considered to be over 20% opacity. In addition, any visible emissions observed during operation of the furnace shall be investigated and corrective measures taken to prevent any further occurrence.

The particulate emissions, nitrogen oxide emissions, steel processing and natural gas usage rates shall be monitored to ensure compliance with the emission limitations listed above.

**5. Specific Record Keeping Requirements:**

Records shall be maintained of the monthly particulate and nitrogen oxide emissions and the monthly hours of operation of the reheat furnace. Records shall be maintained of the Method 9 opacity readings or the qualitative reading of visible emissions from the reheat furnace, as well as any occurrence of visible emissions during furnace operations. These records shall be maintained at the plant for a period of at least five years.

**6. Specific Reporting Requirements:**

Any exceedance over the opacity, particulate or nitrogen oxide emission limits as stated in this permit shall be reported to the Division as soon as possible per Section F 6 of this permit. Following an exceedance the company shall continue to submit, for a period of at least 12 months, the monthly particulate and nitrogen oxide emission rates, and the hours of operation of this emission point, within 30 days of the end of the reporting period.

The company shall also certify to the Division, annually, that the visible emission survey is conducted for this emission point, and that the emission point was in compliance with the applicable opacity requirements.

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**02 (02) - Hot Rolling Mill:**

**Description:**

A Schloemann Siemag/Danieli rolling mill with a steel processing capacity of 100 tons per hour.  
Construction commenced - September 1983.

**APPLICABLE REGULATIONS:**

401 KAR 59:010 - New process operations.

**1. Operating Limitations:**

None.

**2. Emission Limitations:**

Particulate emissions shall not exceed 40 tons per 12 month rolling average - Self imposed to preclude 401 KAR 51:017, Prevention of significant deterioration.

The following formula will be used in calculating the particulate emissions rate:

Particulate Emission Rate = Steel processing rate (in tons/month) x Steel particulate  
(tons/month) emission factor(in lbs/ton of steel processed)

The particulate emission factors shall be 0.08 lbs/ton of steel processed. This emission factor shall be replaced by the number calculated whenever an emissions test or other modification, approved by the Division, is carried out for this pollutant at this emission point. Records of any such change in the emission factors used shall be maintained at the source.

**3. Testing Requirements:**

None.

**4. Specific Monitoring Requirements:**

The particulate emissions and steel processing rates shall be monitored to ensure compliance with the emissions limitation listed above.

**5. Specific Record Keeping Requirements:**

Records shall be maintained of the monthly and average hourly particulate emissions and the monthly hours of operation of the rolling mill. These records shall be maintained at the plant for a period of at least five years.

**6. Specific Reporting Requirements:**

Any exceedance over the particulate emission rate limits as stated in this permit shall be reported to the Division as soon as possible per Section F 6 of this permit. Following an exceedance the company shall continue to submit, for a period of at least 12 months, the monthly particulate emission rates, and the monthly hours of operation of this emission point, within 30 days of the end of the reporting period.

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**03 (03) - Ink Stenciling Operation:**

**Description:**

An Infosight ink-stenciling machine used to stencil markings on to the rolled steel with a maximum paint usage rate of 0.5 gallons per hour.

Construction commenced - June 1995.

**APPLICABLE REGULATIONS:**

401 KAR 59:010 - New process operations.

**1. Operating Limitations:**

None.

**2. Emission Limitations:**

Particulate emissions shall not exceed 2.34 lbs per hour.

The following formulas will be used in calculating the particulate emissions rate:

Average Hourly Particulate = Paint usage rate (in gallons/month) x Paint overspray factor

Emission Rate (lbs/hour) x Solids content of paint (in lbs/gallon of paint used) / hours of operation  
per month (in hours/month)

The solid content of the paint shall be taken from the MSDS sheet for the paint being used. The paint overspray factor shall be taken to be 0.5. This value shall be replaced by the number calculated whenever specific test or other modification, approved by the Division, is carried out for this value. Records of any such change in this value, along with the MSDS sheets for each paint used in the plant, shall be maintained at the source.

**3. Testing Requirements:**

None.

**4. Specific Monitoring Requirements:**

The particulate emissions and paint usage rates shall be monitored to ensure compliance with the emission limitations listed above.

**5. Specific Record Keeping Requirements:**

Records shall be maintained of the monthly paint usage, the solids content of the paint, and the hours of operation of the ink-stenciling unit during the month. These records shall be maintained at the plant for a period of at least five years.

**6. Specific Reporting Requirements:**

Any exceedance over the particulate emission rate limits as stated in this permit shall be reported to the Division as soon as possible per Section F 6 of this permit. Following an exceedance the company shall continue to submit, for a period of at least 12 months, the average hourly particulate emission rates within 30 days of the end of the reporting period.

## **SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

### **GROUP Requirements**

Opacity requirements for emissions from the roof monitors of the rolling mill.

### **LIST of POINTS**

**02 (02) - Hot Rolling Mill**

**03 (03) - Ink Stenciling Operation**

### **APPLICABLE REGULATIONS:**

401 KAR 59:010 - New process operations.

**1. Operating Limitations:**

None.

**2. Emission Limitations:**

Visible emissions from the roof monitors of the rolling mill shall not equal or exceed 20% opacity.

**3. Testing Requirements:**

None.

**4. Specific Monitoring Requirements:**

Opacity monitoring shall be performed by a certified visible emissions observer at least once per calendar quarter during rolling mill operations per Method 9. If a certified visible emissions observer is not available, qualitative observations of the visible emissions shall be made, and the existence of any visible emissions shall be considered to be over 20% opacity. In addition, any visible emissions observed during operation of the furnace shall be investigated and corrective measures taken to prevent any further occurrence.

**5. Specific Record Keeping Requirements:**

Records shall be maintained of the Method 9 opacity readings or the qualitative reading of visible emissions from the roof monitors furnace, as well as any occurrence of visible emissions during furnace operations. These records shall be maintained at the plant for a period of at least five years.

**6. Specific Reporting Requirements:**

Any exceedance over the opacity limits as stated in this permit shall be reported to the Division as soon as possible per Section F 6 of this permit. Following an exceedance the company shall continue to submit, at least once a month, the daily visible emission readings. The monthly reports shall be submitted for a period of at least 12 months, within 30 days of the end of the month.

The company shall also certify to the Division, annually, that the visible emission survey is conducted for this emission point, and that the emission point was in compliance with the applicable opacity requirements.



**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**05 (05) - Haul Roads:**

**Description:**

Various paved and unpaved roads within the plant boundaries used to transport equipment, material, personnel etc.

Construction commenced - September 1983.

**APPLICABLE REGULATIONS:**

401 KAR 63:010 - Fugitive emissions.

**1. Operating Limitations:**

None

**2. Emission Limitations:**

None.

**3. Testing Requirements:**

None.

**4. Specific Monitoring Requirements:**

None.

**5. Specific Record Keeping Requirements:**

Records of the times the haul roads are watered shall be maintained at the source.

**6. Specific Reporting Requirements:**

None.

**SECTION C - INSIGNIFICANT ACTIVITIES**

**The following listed activities have been determined to be insignificant activities for this source pursuant to Regulation 401 KAR 50:035, Section 5(4).**

<u>Description</u>	<u>Regulation</u>
1. Gasoline storage tank (300 gal.)	Generally applicable regulations.
2. Guideshop parts washer vat (500 gal.)	Generally applicable regulations.
3. Guideshop parts washer sink (30 gal.)	Generally applicable regulations.
4. Maintenance parts washer sink (30 gal.)	Generally applicable regulations.
5. Utility parts washer sink (30 gal.)	Generally applicable regulations.
6. Emergency generator (250 kW)	Generally applicable regulations.
7. Cooling tower heater (0.1 mmBTU/hr)	Generally applicable regulations.
8. Water plant heater #1 (0.225 mmBTU/hr)	Generally applicable regulations.
9. 2 Storeroom heaters (0.25 mmBTU/hr each)	Generally applicable regulations.
10. Elect. maintenance shop heater #1 (0.3 mmBTU/hr)	Generally applicable regulations.
11. Elect. maintenance shop breakroom heater (0.075 mmBTU/hr)	Generally applicable regulations.
12. Elect. maintenance shop heater #2 (0.225 mmBTU/hr)	Generally applicable regulations.
13. Elect. maintenance shop heater #3 (0.175 mmBTU/hr)	Generally applicable regulations.
14. Off line saw portable heater (0.15 mmBTU/hr)	Generally applicable regulations.
15. 5 Roll shop wall heaters (0.20 mmBTU/hr)	Generally applicable regulations.
16. 7 Roll shop ceiling heaters (0.08 mmBTU/hr)	Generally applicable regulations.
17. Tunnel heater (1.65 mmBTU/hr)	Generally applicable regulations.
18. Miscellaneous cooling towers (250 gal/min.)	Generally applicable regulations.
19. Citgo FR 40 storage tank (2.500 gal.)	Generally applicable regulations.

**SECTION C - INSIGNIFICANT ACTIVITIES (CONTINUED)**

<u>Description</u>	<u>Regulation</u>
20. Diesel storage tank (1.130 gal.)	Generally applicable regulations.
21. Kerosene storage tank (570 gal.)	Generally applicable regulations.
22. Amenities building water heater (0.199 mmBtu/hr)	Generally applicable regulations.
23. Emergency generator (1,000 kW)	Generally applicable regulations.
24. Air compressor (400 hp)	Generally applicable regulations.
25. Portable welding machine (80 hp)	Generally applicable regulations.
26. 3 Chainsaws (8.5 hp)	Generally applicable regulations.
27. 30 Natural gas torch stations (0.061 mmBtu/hr)	Generally applicable regulations.
28. 20 Acetylene torch stations	Generally applicable regulations.
29. Aerosol spray paints (16 oz. cans)	Generally applicable regulations.
30. Water plant heater #2 (0.250 mmBtu/hr)	Generally applicable regulations.
31. Elect. maintenance shop portable heater (0.150 mmBtu/hr)	Generally applicable regulations.
32. 2 Mech. maintenance shop heaters (0.150 mmBtu/hr)	Generally applicable regulations.
33. 2 Mech. maintenance shop portable heaters (0.150 mmBtu/hr)	Generally applicable regulations.
34. Mech. maintenance breakroom heaters (0.225 mmBtu/hr)	Generally applicable regulations.
35. Utility maintenance heater (0.200 mmBtu/hr)	Generally applicable regulations.
36. Utility maintenance portable heater (0.100 mmBtu/hr)	Generally applicable regulations.
37. Roll shop HVAC unit (0.154 mmBtu/hr)	Generally applicable regulations.
38. Billet yard office heater (0.075 mmBtu/hr)	Generally applicable regulations.
39. Billet yard natural gas portable heater (0.150 mmBtu/hr)	Generally applicable regulations.
40. Billet yard kerosene portable heater (0.150 mmBtu/hr)	Generally applicable regulations.
41. 5 HVAC units at amenities building (0.125 mmBtu/hr)	Generally applicable regulations.

**SECTION C - INSIGNIFICANT ACTIVITIES (CONTINUED)**

<u>Description</u>	<u>Regulation</u>
42. 2 Marley NC8312K1 Cooling Towers (144,000 gph ea.)	Generally applicable regulations.

**SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS**

1. For each emission point and/or vent at the source that is subject to 401 KAR 59:010, a qualitative observation to check for the presence of any visible emissions shall be carried out on a daily basis and visible emissions testing through Method 9 shall be carried out on a quarterly basis.
2. Particulate, nitrogen oxide, and visible emissions, as measured by methods referenced in 401 KAR 50:015, Section 1, shall not exceed the respective limitations specified herein.
3. Compliance with annual emissions and processing limitations imposed pursuant to 401 KAR 50:035, Section 7(1)(a), and contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.

## **SECTION E - CONTROL EQUIPMENT CONDITIONS**

Pursuant to 401 KAR 50:012, Section 1(1) and 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the cabinet which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
  - a) Date, place as defined in this permit, and time of sampling or measurements.
  - b) Analyses performance dates;
  - c) Company or entity that performed analyses;
  - d) Analytical techniques or methods used;
  - e) Analyses results; and
  - f) Operating conditions during time of sampling or measurement;
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained at the source authorized by this permit for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.
3. The permittee shall allow the Cabinet or authorized representatives to perform the following:
  - a) Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
  - b) Have access to and copy, at reasonable times, any records required by the permit:
    - i) During normal office hours, and
    - ii) During periods of emergency when prompt access to records is essential to proper assessment by the Cabinet;
  - c) Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
    - i) During all hours of operation at the source,
    - ii) For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    - iii) During an emergency; and
  - d) Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
    - i) During all hours of operation at the source,
    - ii) For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    - iii) During an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

5. Reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be reported to the Division's Paducah Regional Office no later than the six-month anniversary date of this permit and every six months thereafter during the life of this permit, unless otherwise stated in this permit. Data from the continuous emission and opacity monitors shall be reported to the Director in accordance with the requirements of Regulation 401 KAR 59:005, General Provisions, Section 3(3). All reports shall be certified by a responsible official pursuant to Section 6(1) of Regulation 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports.
6. In accordance with Regulation 401 KAR 50:055, Section 1, the owner or operator shall notify the Division for Air Quality's Paducah Regional Office by telephone as promptly as possible any deviation from permit requirements, including those due to malfunctions, unplanned shutdowns, ensuing startups, or upset conditions. Pursuant to Regulation 401 KAR 50:035, Section 7(1)(e), the notification shall describe the probable cause of the deviations and corrective actions or preventive measures taken.
7. The permittee shall certify compliance with the terms and conditions contained in this permit, annually on the permit issuance anniversary date to the Division for Air Quality's Paducah Regional Office and the U.S. EPA in accordance with the following requirements:
  - a) Identification of each term or condition of the permit that is the basis of the certification;
  - b) The compliance status regarding each term or condition of the permit;
  - c) Whether compliance was continuous or intermittent; and
  - d) The method used for determining the compliance status for the source, currently and over the reporting period, pursuant to 401 KAR 50:035, Section 7(1)(c),(d), and (e).
  - e) Other facts the Division may require to determine the compliance status of the source; and
  - f) The certification shall be postmarked by the thirtieth (30) day following the applicable permit issuance anniversary date.
8. In accordance with Regulation 401 KAR 50:035, Section 23, the permittee shall report all information necessary to determine its subject emissions.
9. Pursuant to section VII.3 of the policy manual of the Division for Air Quality as referenced by Regulation 401 KAR 50:016, Section 1(1), results of performance tests shall be submitted to the Division by the source or its representative within forty-five days after the completion of the fieldwork.

## **SECTION G - GENERAL CONDITIONS**

### (a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be (a) violation(s) of state regulation 401 KAR 50:035, Permits, Section 7(3)(d) and for federally enforceable permits is also a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act]) and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition.
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause. The permit will be reopened for cause and revised accordingly under the following circumstances:
  - a) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to Regulation 401 KAR 50:035, Section 12(2)(c);
  - b) The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.;
  - c) The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish to the Division, in writing, information that the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit.
5. Any condition or portion of this permit, which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit.
6. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance.



**SECTION G - GENERAL CONDITIONS (CONTINUED)**

7. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States.
8. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6).
9. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance.
10. This permit shall not convey property rights or exclusive privileges.
11. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
12. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.
14. Permit Shield: Except as provided in State Regulation 401 KAR 50:035, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements identified in this permit as of the date of issuance of this permit.

**(b) Permit Expiration and Reapplication Requirements**

This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division.

## **SECTION G - GENERAL CONDITIONS (CONTINUED)**

### (c) Permit Revisions

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of Regulation 401 KAR 50:035, Section 15.
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority thirty (30) days in advance of the transfer.

### (d) Construction, Start-Up, and Initial Compliance Demonstration Requirements

1. Construction of process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.
2. Within thirty (30) days following commencement of construction, and within fifteen (15) days following start-up, and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Division for Air Quality's Paducah Regional Office in writing, with a copy to the division's Frankfort Central Office, notification of the following:
  - a) The date when construction commenced.
  - b) The date of start-up of the affected facilities listed in this permit.
  - c) The date when the maximum production rate specified in the permit application was achieved.
3. Pursuant to State Regulation 401 KAR 50:035, Permits, Section 13(1), unless construction is commenced on or before 18 months after the date of issue of this permit, or if construction is commenced and then stopped for any consecutive period of 18 months or more, or if construction is not completed within eighteen (18) months of the scheduled completion date, then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Extensions of the time periods specified herein may be granted by the division upon a satisfactory request showing that an extension is justified.
4. Operation of the affected facilities for which construction is authorized by this permit shall not commence until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055, except as provided in Section I of this permit.

## **SECTION G - GENERAL CONDITIONS (CONTINUED)**

5. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance demonstration (test) on the affected facilities in accordance with Regulation 401 KAR 50:055, General compliance requirements. These performance tests must also be conducted in accordance with General Conditions G(d)6 of this permit and the permittee must furnish to the Division for Air Quality's Frankfort Central Office a written report of the results of such performance test.
6. Pursuant to Section VII 2.(1) of the policy manual of the Division for Air Quality as referenced by Regulation 401 KAR 50:016, Section 1.(1), at least one month prior to the date of the required performance test, the permittee shall complete and return a Compliance Test Protocol (Form DEP 6027) to the division's Frankfort Central Office. Pursuant to 401 KAR 50:045, Section 5, the division shall be notified of the actual test date at least ten (10) days prior to the test.

### **(e) Acid Rain Program Requirements**

If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

### **(f) Emergency Provisions**

1. An emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
  - i) An emergency occurred and the permittee can identify the cause of the emergency;
  - ii) The permitted facility was at the time being properly operated;
  - iii) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
  - iv) The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency. The notice shall meet the requirements of 401 KAR 50:035, Permits, Section 7(1)(e), and include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken. This requirement does not relieve the source of any other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement.
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof.

## **SECTION G - GENERAL CONDITIONS (CONTINUED)**

### (g) Risk Management Provisions

The permittee shall comply with all applicable requirements of 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall:

- a. Submit a Risk Management Plan to U.S. EPA, Region IV with a copy to this Division and comply with the Risk Management Program by June 21, 1999 or a later date specified by the U.S. EPA.
- b. Submit additional relevant information if requested by the Division or the U.S. EPA.

### (h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
  - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
  - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
  - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
  - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.